



March 27, 2007

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## ENGROSSED SENATE BILL No. 270

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DIGEST OF SB 270 (Updated March 21, 2007 4:41 pm - DI 52)

**Citations Affected:** IC 8-14; noncode.

**Synopsis:** Flexible fuel vehicle incentives. Provides a monthly incentive payment to political subdivisions if 75% of the fuel used in the political subdivision's E85 compatible motor vehicles is E85.

**Effective:** January 1, 2008.

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**Heinold, Weatherwax, Hershman**

(HOUSE SPONSORS — GRUBB, VAN HAAFTEN, SOLIDAY,  
DEMBOWSKI)

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January 8, 2007, read first time and referred to Committee on Natural Resources.  
February 13, 2007, amended, reported favorably — Do Pass.  
February 19, 2007, read second time, amended, ordered engrossed.  
February 20, 2007, engrossed. Read third time, passed. Yeas 44, nays 3.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Natural Resources.  
March 26, 2007, reported — Do Pass.

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ES 270—LS 7093/DI 92+



March 27, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 270

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 8-14-2-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The auditor of state  
3 shall establish a special account to be called the "local road and street  
4 account" and credit this account monthly with forty-five percent (45%)  
5 of the money deposited in the highway, road and street fund.  
6 (b) The auditor shall distribute to units of local government money  
7 from this account each month. **Before making any other distributions**  
8 **under this chapter, the auditor shall distribute E85 incentive**  
9 **payments to all political subdivisions entitled to a payment under**  
10 **section 8 of this chapter.**  
11 (c) **After distributing E85 incentive payments required under**  
12 **section 8 of this chapter,** the auditor of state shall allocate to each  
13 county the **remaining** money in this account on the basis of the ratio  
14 of each county's passenger car registrations to the total passenger car  
15 registrations of the state. The auditor shall further determine the  
16 suballocation between the county and the cities within the county as  
17 follows:

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(1) In counties having a population of more than fifty thousand (50,000), sixty percent (60%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and forty percent (40%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(2) In counties having a population of fifty thousand (50,000) or less, twenty percent (20%) of the money shall be distributed on the basis of the population of the city or town as a percentage of the total population of the county and eighty percent (80%) distributed on the basis of the ratio of city and town street mileage to county road mileage.

(3) For the purposes of allocating funds as provided in this section, towns which become incorporated as a town between the effective dates of decennial censuses shall be eligible for allocations upon the effectiveness of a corrected population count for the town under IC 1-1-3.5.

(4) Money allocated under the provisions of this section to counties containing a consolidated city shall be credited or allocated to the department of transportation of the consolidated city.

(d) Each month the auditor of state shall inform the department of the amounts allocated to each unit of local government from the local road and street account.

SECTION 2. IC 8-14-2-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 8. (a) As used in this section, "administrator" has the meaning set forth in IC 6-6-1.1-103(a).**

**(b) As used in this section, "E85" has the meaning set forth in IC 6-6-1.1-103(s).**

**(c) As used in this section, "qualified motor vehicle" means a motor vehicle that may be fueled by E85.**

**(d) A political subdivision is entitled to a monthly E85 incentive payment under this section if at least seventy-five percent (75%) of the motor fuel purchased by the political subdivision in the preceding calendar month for use in the political subdivision's qualified motor vehicles were E85.**

**(e) Subject to subsection (i), the amount of a monthly E85 incentive payment to which a political subdivision is entitled under this section is equal to:**

**(1) the total number of qualified motor vehicles owned by the political subdivision; multiplied by**

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(2) thirty-three dollars and thirty-three cents (\$33.33).

(f) To claim an E85 incentive payment under this section, the fiscal officer of a political subdivision must present to the auditor of state a statement that:

(1) contains a written verification that the incentive payment claim is made under penalties of perjury; and

(2) sets forth:

(A) the total number of qualified motor vehicles owned by the political subdivision;

(B) the total amount of E85 purchased by the political subdivision in the preceding calendar month for use in a qualified motor vehicle described in clause (A); and

(C) the total amount of motor fuel purchased for use in a qualified motor vehicle described in clause (A).

(g) The auditor of state may request the administrator to make investigations the auditor of state considers necessary before issuing an E85 incentive payment under this section. The administrator shall provide any assistance requested under this section. Upon the request of the administrator, a political subdivision shall furnish to the administrator sufficient documentation to prove the validity of the information presented under subsection (f).

(h) If an E85 incentive payment is not issued within ninety (90) days after filing of the verified statement and all supplemental information required by subsection (g), the auditor of state shall pay interest at the rate established by IC 6-8.1-9 computed from the date of filing of the verified statement and all supplemental information required under this section until a date determined by the auditor of state that does not precede by more than thirty (30) days the date on which the E85 incentive payment is made.

(i) A political subdivision is not entitled to an E85 incentive payment for E85 used in a qualified motor vehicle owned by the political subdivision after December 31 of the fifth calendar year of the political subdivision's ownership of the qualified motor vehicle.

(j) This section expires January 1, 2015.

SECTION 3. [EFFECTIVE JANUARY 1, 2008] (a) IC 8-14-2-8, as added by this act, applies to a political subdivision's purchase of E85 (as defined in IC 6-6-1.1-103(s)) occurring after December 31, 2007.

(b) A political subdivision may not claim an E85 incentive payment for any purchase of E85 occurring after December 31,

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## COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 270 as introduced.)

JACKMAN, Chairperson

Committee Vote: Yeas 5, Nays 2.

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 SENATE MOTION

Madam President: I move that Senator Weatherwax be added as second author and Senator Hershman be added as third author of Senate Bill 270.

HEINOLD

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 SENATE MOTION

Madam President: I move that Senate Bill 270 be amended to read as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert:

**"(c) As used in this section, "qualified motor vehicle" means a motor vehicle that may be fueled by E85."**

Page 2, line 31, delete "(c)" and insert **"(d)"**.

Page 2, line 32, delete "of" and insert **"if"**.

Page 2, line 34, after "subdivision's" insert **"qualified"**.

Page 2, line 35, delete "that may be fueled by" and insert **"were"**.

Page 2, line 36, delete "(d)" and insert **"(e)"**.

Page 2, line 36, delete "(h)" and insert **"(i)"**.

Page 2, line 39, after "of" insert **"qualified"**.

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Page 2, line 40, delete "subdivision that may be fueled by E85;" and insert "**subdivision;**".

Page 2, line 42, delete "(e)" and insert "**(f)**".

Page 2, line 42, after "section," insert "**the fiscal officer of**".

Page 3, line 6, after "of" insert "**qualified**".

Page 3, line 7, delete "subdivision that may be fueled by E85;" and insert "**subdivision;**".

Page 3, line 10, before "motor" insert "**qualified**".

Page 3, line 12, before "motor" insert "**qualified**".

Page 3, line 13, delete "(f)" and insert "**(g)**".

Page 3, line 20, delete "(e)" and insert "**(f)**".

Page 3, line 21, delete "(g)" and insert "**(h)**".

Page 3, line 23, delete "(f)" and insert "**(g)**".

Page 3, line 29, delete "(h)" and insert "**(i)**".

Page 3, line 30, after "a" insert "**qualified**".

Page 3, line 32, after "the" insert "**qualified**".

Page 3, line 33, delete "(i)" and insert "**(j)**".

(Reference is to SB 270 as printed February 14, 2007.)

HEINOLD

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Senate Bill 270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BISCHOFF, Chair

Committee Vote: yeas 10, nays 0.

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